

1 AN ACT concerning military personnel.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 11-117-12.2 as follows:

6 (65 ILCS 5/11-117-12.2)

7 Sec. 11-117-12.2. Military personnel on active duty; no  
8 stoppage of gas or electricity; arrearage.

9 (a) In this Section:

10 "Active duty" means active duty pursuant to an executive  
11 order of the President of the United States, an act of the  
12 Congress of the United States, or an order of the Governor.

13 "Service member" means a member of the armed services or  
14 reserve forces of the United States or a member of the Illinois  
15 National Guard.

16 (b) No municipality owning a public utility shall stop gas  
17 or electricity from entering the residential premises of which  
18 a service member was a primary occupant immediately before the  
19 service member was deployed on active duty for nonpayment for  
20 gas or electricity supplied to the residential premises.

21 (c) Upon the return from active duty of a residential  
22 consumer who is a service member, the municipality shall offer  
23 the residential consumer a period equal to at least the period  
24 of the residential consumer's deployment on active duty to pay  
25 any arrearages incurred during the period of the residential  
26 consumer's deployment. The municipality shall inform the  
27 residential consumer that, if the period the municipality  
28 offers presents a hardship to the consumer, the consumer may  
29 request a longer period to pay the arrearages.

30 (d) In order to be eligible for the benefits granted to  
31 service members under this Section, a service member must  
32 provide the municipality with a copy of the military or

1 gubernatorial orders calling the service member to active duty  
2 and of any orders further extending the service member's period  
3 of active duty.

4 (e) In addition to any other penalty that may be provided  
5 by law, a municipality that wilfully violates this Section is  
6 subject to a civil penalty of \$1,000. The Attorney General may  
7 impose a civil penalty under this subsection only after he or  
8 she provides the following to the affected municipality:

9 (1) Written notice of the alleged violation.

10 (2) Written notice of the municipality's right to  
11 request an administrative hearing on the question of the  
12 alleged violation.

13 (3) An opportunity to present evidence, orally or in  
14 writing or both, on the question of the alleged violation  
15 before an impartial hearing examiner appointed by the  
16 Attorney General.

17 (4) A written decision from the Attorney General, based  
18 on the evidence introduced at the hearing and the hearing  
19 examiner's recommendations, finding that the municipality  
20 violated this Section and imposing the civil penalty.

21 The Attorney General may bring an action in the circuit  
22 court to enforce the collection of a civil penalty imposed  
23 under this subsection.

24 All proceeds from the collection of any civil penalty  
25 imposed under this subsection shall be deposited into the  
26 Illinois Military Family Relief Fund.

27 (Source: P.A. 94-635, eff. 8-22-05.)

28 Section 10. The Illinois Insurance Code is amended by  
29 changing Section 224.05 as follows:

30 (215 ILCS 5/224.05)

31 Sec. 224.05. Military personnel on active duty; no lapse of  
32 life insurance policy.

33 (a) Except as provided in subsection (b), this Section  
34 shall apply to any individual life insurance policy insuring

1 the life of a member of the armed services or reserve forces of  
2 the United States or a member of the Illinois National Guard  
3 who is on active duty pursuant to an executive order of the  
4 President of the United States, an act of the Congress of the  
5 United States, or an order of the Governor, if the life  
6 insurance policy meets both of the following conditions:

7 (1) The policy has been in force for at least 180 days.

8 (2) The policy has been brought within the  
9 "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003),  
10 50 U.S.C. App. 541 and following.

11 (b) This Section does not apply to any policy that was  
12 cancelled or that had lapsed for the nonpayment of premiums  
13 prior to the commencement of the insured's period of military  
14 service.

15 (c) An individual life insurance policy described in this  
16 Section shall not lapse or be forfeited for the nonpayment of  
17 premiums during the military service of a member of the armed  
18 services or reserve forces of the United States or a member of  
19 the Illinois National Guard or during the 2-year period  
20 subsequent to the end of the member's period of military  
21 service.

22 (d) In order to be eligible for the benefits granted to  
23 service members under this Section, a service member must  
24 provide the life insurance company with a copy of the military  
25 or gubernatorial orders calling the service member to active  
26 duty and of any orders further extending the service member's  
27 period of active duty.

28 (e) This Section does not limit a life insurance company's  
29 enforcement of provisions in the insured's policy relating to  
30 naval or military service in time of war.

31 (f) In addition to any other penalty that may be provided  
32 by law, an insurance company that violates this Section is  
33 subject to a civil penalty of \$1,000. The Attorney General may  
34 impose a civil penalty under this subsection only after he or  
35 she provides the following to the affected insurance company:

36 (1) Written notice of the alleged violation.

1           (2) Written notice of the insurance company's right to  
2           request an administrative hearing on the question of the  
3           alleged violation.

4           (3) An opportunity to present evidence, orally or in  
5           writing or both, on the question of the alleged violation  
6           before an impartial hearing examiner appointed by the  
7           Attorney General.

8           (4) A written decision from the Attorney General, based  
9           on the evidence introduced at the hearing and the hearing  
10           examiner's recommendations, finding that the insurance  
11           company violated this Section and imposing the civil  
12           penalty.

13           The Attorney General may bring an action in the circuit  
14           court to enforce the collection of a civil penalty imposed  
15           under this subsection.

16           All proceeds from the collection of any civil penalty  
17           imposed under this subsection shall be deposited into the  
18           Illinois Military Family Relief Fund.

19           (Source: P.A. 94-635, eff. 8-22-05.)

20           Section 15. The Public Utilities Act is amended by changing  
21           Section 8-201.5 as follows:

22           (220 ILCS 5/8-201.5)

23           Sec. 8-201.5. Military personnel on active duty; no  
24           stoppage of gas or electricity; arrearage.

25           (a) In this Section:

26           "Active duty" means active duty pursuant to an executive  
27           order of the President of the United States, an act of the  
28           Congress of the United States, or an order of the Governor.

29           "Service member" means a member of the armed services or  
30           reserve forces of the United States or a member of the Illinois  
31           National Guard.

32           (b) No company or electric cooperative shall stop gas or  
33           electricity from entering the residential premises of which a  
34           service member was a primary occupant immediately before the

1 service member was deployed on active duty for nonpayment for  
2 gas or electricity supplied to the residential premises.

3 (c) In order to be eligible for the benefits granted to  
4 service members under this Section, a service member must  
5 provide the company or electric cooperative with a copy of the  
6 military or gubernatorial orders calling the service member to  
7 active duty and of any orders further extending the service  
8 member's period of active duty.

9 (d) Upon the return from active duty of a residential  
10 consumer who is a service member, the company or electric  
11 cooperative shall offer the residential consumer a period equal  
12 to at least the period of deployment on active duty to pay any  
13 arrearages incurred during the period of the residential  
14 consumer's deployment. The company or electric cooperative  
15 shall inform the residential consumer that, if the period that  
16 the company or electric cooperative offers presents a hardship  
17 to the consumer, the consumer may request a longer period to  
18 pay the arrearages and, in the case of a company that is a  
19 public utility, may request the assistance of the Illinois  
20 Commerce Commission to obtain a longer period. No late payment  
21 fees or interest shall be charged to the residential consumer  
22 during the period of deployment or the repayment period.

23 (e) In addition to any other penalty that may be provided  
24 by law, a company or electric cooperative that wilfully  
25 violates this Section is subject to a civil penalty of \$1,000.  
26 The Attorney General may impose a civil penalty under this  
27 subsection only after he or she provides the following to the  
28 affected company or electric cooperative:

29 (1) Written notice of the alleged violation.

30 (2) Written notice of the company or electric  
31 cooperative's right to request an administrative hearing  
32 on the question of the alleged violation.

33 (3) An opportunity to present evidence, orally or in  
34 writing or both, on the question of the alleged violation  
35 before an impartial hearing examiner appointed by the  
36 Attorney General.

1           (4) A written decision from the Attorney General, based  
2           on the evidence introduced at the hearing and the hearing  
3           examiner's recommendations, finding that the company or  
4           electric cooperative violated this Section and imposing  
5           the civil penalty.

6           The Attorney General may bring an action in the circuit  
7           court to enforce the collection of a civil penalty imposed  
8           under this subsection.

9           All proceeds from the collection of any civil penalty  
10           imposed under this subsection shall be deposited into the  
11           Illinois Military Family Relief Fund.

12           (Source: P.A. 94-635, eff. 8-22-05.)

13           Section 20. The Interest Act is amended by changing Section  
14           4.05 as follows:

15           (815 ILCS 205/4.05)

16           Sec. 4.05. Military personnel on active duty; limitation on  
17           interest rate.

18           (a) In this Section:

19           "Active duty" means active duty pursuant to an executive  
20           order of the President of the United States, an act of the  
21           Congress of the United States, or an order of the Governor.

22           "Obligation" means any retail installment sales contract,  
23           other contract for the purchase of goods or services, or bond,  
24           bill, note, or other instrument of writing for the payment of  
25           money arising out of a contract or other transaction for the  
26           purchase of goods or services.

27           "Service member" means a member of the armed services or  
28           reserve forces of the United States or a member of the Illinois  
29           National Guard.

30           (b) Notwithstanding any contrary provision of State law,  
31           but subject to the federal Servicemembers Civil Relief Act, no  
32           creditor in connection with an obligation entered into on or  
33           after the effective date of this amendatory Act of the 94th  
34           General Assembly, but prior to a service member's deployment on

1 active duty, shall charge or collect from a service member who  
2 is deployed on active duty, or the spouse of that service  
3 member, interest or finance charges exceeding 6% per annum  
4 during the period that the service member is deployed on active  
5 duty.

6 (c) Notwithstanding any contrary provision of law,  
7 interest or finance charges in excess of 6% per annum that  
8 otherwise would be incurred but for the prohibition in  
9 subsection (b) are forgiven.

10 (d) The amount of any periodic payment due from a service  
11 member who is deployed on active duty, or the spouse of that  
12 service member, under the terms of the obligation shall be  
13 reduced by the amount of the interest and finance charges  
14 forgiven under subsection (c) that is allocable to the period  
15 for which the periodic payment is made.

16 (e) In order for an obligation to be subject to the  
17 interest and finance charges limitation of this Section, the  
18 service member deployed on active duty, or the spouse of that  
19 service member, shall provide the creditor with written notice  
20 of and a copy of the military or gubernatorial orders calling  
21 the service member to active duty and of any orders further  
22 extending the service member's period of active duty, not later  
23 than 180 days after the date of the service member's  
24 termination of or release from active duty.

25 (f) Upon receipt of the written notice and a copy of the  
26 orders referred to in subsection (e), the creditor shall treat  
27 the obligation in accordance with subsection (b), effective as  
28 of the date on which the service member is deployed to active  
29 duty.

30 (g) A court may grant a creditor relief from the interest  
31 and finance charges limitation of this Section, if, in the  
32 opinion of the court, the ability of the service member  
33 deployed on active duty, or the spouse of that service member,  
34 to pay interest or finance charges with respect to the  
35 obligation at a rate in excess of 6% per annum is not  
36 materially affected by reason of the service member's

1 deployment on active duty.

2 (h) In addition to any other penalty that may be provided  
3 by law, a creditor that violates this Section is subject to a  
4 civil penalty of \$1,000. The Attorney General may impose a  
5 civil penalty under this subsection only after he or she  
6 provides the following to the affected creditor:

7 (1) Written notice of the alleged violation.

8 (2) Written notice of the creditor's right to request  
9 an administrative hearing on the question of the alleged  
10 violation.

11 (3) An opportunity to present evidence, orally or in  
12 writing or both, on the question of the alleged violation  
13 before an impartial hearing examiner appointed by the  
14 Attorney General.

15 (4) A written decision from the Attorney General, based  
16 on the evidence introduced at the hearing and the hearing  
17 examiner's recommendations, finding that the creditor  
18 violated this Section and imposing the civil penalty.

19 The Attorney General may bring an action in the circuit  
20 court to enforce the collection of a civil penalty imposed  
21 under this subsection.

22 All proceeds from the collection of any civil penalty  
23 imposed under this subsection shall be deposited into the  
24 Illinois Military Family Relief Fund.

25 (Source: P.A. 94-635, eff. 8-22-05.)

26 Section 25. The Military Personnel Cellular Phone Contract  
27 Termination Act is amended by adding Section 20 as follows:

28 (815 ILCS 633/20 new)

29 Sec. 20. Cellular telephone company's failure to comply;  
30 penalty. In addition to any other penalty that may be provided  
31 by law, a cellular telephone company that violates this Act is  
32 subject to a civil penalty of \$1,000. The Attorney General may  
33 impose a civil penalty under this Section only after he or she  
34 provides the following to the affected cellular telephone

1 company:

2 (1) Written notice of the alleged violation.

3 (2) Written notice of the cellular telephone company's  
4 right to request an administrative hearing on the question  
5 of the alleged violation.

6 (3) An opportunity to present evidence, orally or in  
7 writing or both, on the question of the alleged violation  
8 before an impartial hearing examiner appointed by the  
9 Attorney General.

10 (4) A written decision from the Attorney General, based  
11 on the evidence introduced at the hearing and the hearing  
12 examiner's recommendations, finding that the cellular  
13 telephone company violated this Act and imposing the civil  
14 penalty.

15 The Attorney General may bring an action in the circuit  
16 court to enforce the collection of a civil penalty imposed  
17 under this Section.

18 All proceeds from the collection of any civil penalty  
19 imposed under this Section shall be deposited into the Illinois  
20 Military Family Relief Fund.

21 Section 30. The Motor Vehicle Leasing Act is amended by  
22 changing Section 37 as follows:

23 (815 ILCS 636/37)

24 Sec. 37. Military personnel on active duty; termination of  
25 lease.

26 (a) In this Act:

27 "Active duty" means active duty pursuant to an executive  
28 order of the President of the United States, an act of the  
29 Congress of the United States, or an order of the Governor.

30 "Motor vehicle" means any automobile, car minivan,  
31 passenger van, sport utility vehicle, pickup truck, or other  
32 self-propelled vehicle not operated or driven on fixed rails or  
33 track.

34 "Service member" means a member of the armed services or

1 reserve forces of the United States or a member of the Illinois  
2 National Guard.

3 (b) Any service member who is deployed on active duty for a  
4 period of not less than 180 days, or the spouse of that service  
5 member, may terminate any motor vehicle lease that meets both  
6 of the following requirements:

7 (1) The lease is entered into on or after the effective  
8 date of this amendatory Act of the 94th General Assembly.

9 (2) The lease is executed by or on behalf of the  
10 service member who is deployed on active duty.

11 (c) Termination of the motor vehicle lease shall not be  
12 effective until:

13 (1) the service member who is deployed on active duty,  
14 or the service member's spouse, gives the lessor by  
15 certified mail, return receipt requested, a notice of the  
16 intention to terminate the lease together with a copy of  
17 the military or gubernatorial orders calling the service  
18 member to active duty and of any orders further extending  
19 the service member's period of active duty; and

20 (2) the motor vehicle subject to the lease is returned  
21 to the custody or control of the lessor not later than 15  
22 days after the delivery of the written notice.

23 (d) Lease amounts unpaid for the period preceding the  
24 effective date of the lease's termination shall be paid on a  
25 prorated basis. The lessor may not impose an early termination  
26 charge, but any taxes, costs of summons, and title or  
27 registration fees and any other obligation and liability of the  
28 lessee under the terms of the lease, including reasonable  
29 charges to the lessee for excess wear, use, and mileage, that  
30 are due and unpaid at the time of the lease's termination shall  
31 be paid by the lessee.

32 (e) The lessor shall refund to the lessee lease amounts  
33 paid in advance for a period after the effective date of the  
34 lease's termination within 30 days after the effective date of  
35 the lease's termination.

36 (f) Upon application by the lessor to a court before the

1 effective date of the lease's termination, relief granted by  
2 this Section may be modified as justice and equity require.

3 (g) In addition to any other penalty that may be provided  
4 by law, a lessor that violates this Section is subject to a  
5 civil penalty of \$1,000. The Attorney General may impose a  
6 civil penalty under this subsection only after he or she  
7 provides the following to the affected lessor:

8 (1) Written notice of the alleged violation.

9 (2) Written notice of the lessor's right to request an  
10 administrative hearing on the question of the alleged  
11 violation.

12 (3) An opportunity to present evidence, orally or in  
13 writing or both, on the question of the alleged violation  
14 before an impartial hearing examiner appointed by the  
15 Attorney General.

16 (4) A written decision from the Attorney General, based  
17 on the evidence introduced at the hearing and the hearing  
18 examiner's recommendations, finding that the lessor  
19 violated this Section and imposing the civil penalty.

20 The Attorney General may bring an action in the circuit  
21 court to enforce the collection of a civil penalty imposed  
22 under this subsection.

23 All proceeds from the collection of any civil penalty  
24 imposed under this subsection shall be deposited into the  
25 Illinois Military Family Relief Fund.

26 (Source: P.A. 94-635, eff. 8-22-05.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law.